

HOUSE No. 4248

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 11, 2012.

The committee on Health Care Financing to whom was referred the Bill to protect patients from breakthrough seizures (House, No. 585), reports recommending that the bill ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4248).

For the committee,

STEVEN M. WALSH.

HOUSE No. 4248

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act to protect patients from breakthrough seizures.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by inserting after the definition of “agent,” the following:—

3 “Anti-epileptic drug”, (1) any drug prescribed for the treatment of epilepsy or (2) a drug used to
4 treat or prevent seizures

5 SECTION 2. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby further
6 amended by inserting after the definition of “drug paraphernalia,” the following:—

7 “Epilepsy”, a neurological condition characterized by recurrent seizures.

8 SECTION 3. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby further
9 amended by inserting after the definition of “immediate precursor,” the following:—

10 “Interchange” means the substitution of one version of the same anti-epileptic therapeutic
11 product, including a generic version for the prescribed brand, a brand version for the prescribed
12 generic version, a generic version by one manufacturer for a generic version by different
13 manufacturer, a different formulation of the prescribed anti-epileptic drug or a different anti-
14 epileptic therapeutic drug product for the anti-epileptic product originally prescribed

15 SECTION 4. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby further
16 amended by inserting after the definition of “schedule,” the following:—

17 “Seizure”, an acute clinical change secondary to a brief disturbance in the electrical activity of
18 the brain.

19 SECTION 2. Section 21A of chapter 94C of the General Laws, as so appearing, is hereby
20 amended by inserting, at the end of the first paragraph, the following new paragraph:-

21 A pharmacist may not interchange an anti-epileptic drug or formulation of an anti-epileptic drug,
22 brand or generic, for the treatment of epileptic seizures without prior notification of and the
23 signed informed consent of such interchange from the prescribing physician and the patient,
24 patient's parent, legal guardian or spouse.